

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

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|---|---|----------------------|
| Ricky R. Schuh, |) | |
| |) | |
| Plaintiff, |) | ORDER |
| |) | |
| vs. |) | |
| |) | |
| Burleigh County, Sgt. Eric Howe, |) | |
| Chaplain Greg Carr, Jeff Olson, Cameron |) | |
| Bott, Wnette Parisien, |) | Case No. 1:20-cv-142 |
| |) | |
| Defendants. |) | |

On November 2, 2022, Plaintiff Ricky R. Schuh (“Schuh”) filed a request for a litigation hold pursuant to Rule 37(e) of the Federal Rules of Civil Procedure. (Doc. No. 107). Therein he requests that defendants preserve, among other things, paperwork and/or electronically stored information regarding Burleigh County’s use and disbursement of federal funds, the “state wide accounting system,” legislative management reports, the “budget system’s data regarding on all federal revenues and expenditures,” annual comprehensive financial statements, and “any and all agreement the State, or the County of Burleigh entered into with the federal government, as a result of the acceptance of any federal funding that was active during the times of 2020, to present time.” (Doc. No. 107).

The Federal Rules of Civil Procedure require that parties take reasonable steps to preserve electronically stored information that is relevant to litigation. See King v. Cath. Health Initiatives, No. 8:18CV326, 2019 WL 6699705, at *3 (D. Neb. Dec. 9, 2019) (“Generally, a defendant's duty to preserve evidence is triggered at the time the case is filed, unless the defendant before that time becomes aware of facts from which it should reasonably know that evidence is to be preserved as relevant to future litigation.” (internal quotation marks omitted)).

Defendants are presumably aware of their obligation to preserve documents/electronically stored information that may be relevant to this litigation. In any event, Schuh has now reminded them of their obligation by filing his request with the court. As Schuh is not seeking anything more from the court at this time, the court shall deem his request (Doc No. 107) **MOOT**.

IT IS SO ORDERED.

Dated this 30th day of November, 2022.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge
United States District Court